

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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GLOBAL IP SOLUTIONS, INC.,	:	
	:	
Plaintiff,	:	07 CV 7631 (DCP)
	:	
vs.	:	DECLARATION OF
	:	<u>DOMINIC J. PICCA</u>
DELTATHREE, INC.,	:	
	:	
Defendant.	:	
-----X	:	

Dominic J. Picca declares, pursuant to 28 U.S.C. § 1746:

1. I am a member of the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., counsel for defendant deltathree, Inc. ("Deltathree") in this litigation. I respectfully submit this declaration in support of Deltathree's Motion for a Stay of Discovery.

2. This case presently is in discovery. To date, the parties have exchanged initial disclosures, interrogatories, document requests, and requests for admissions. The parties have produced documents and responded to the interrogatory requests. In addition, in November 2007, Deltathree's CEO, Mr. Shimmy Zimels, was deposed in connection with GIPS' request for a preliminary injunction.

3. On December 14, 2007, the Court executed a Civil Case Management Plan and Scheduling Order, which called for fact discovery to end on June 15, 2008 and expert discovery to be completed by August 31, 2008. The Order expressly permits the parties to seek adjournments of these dates, if necessary.

4. On February 6, 2008, Deltathree filed a motion for partial summary judgment. On February 14, 2008, I conferred with Jonathan Cohen, Esq., of Winston & Strawn, counsel for plaintiff Global IP Solutions, Inc. ("GIPS") in this action, and proposed that the parties agree to a stay of discovery pending the Court's ruling on the motion. In response, Mr. Cohen rejected that request and wanted discovery specific to the motion itself, including taking multiple depositions. We could not come to any agreement.

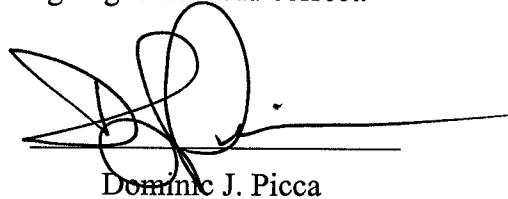
5. On February 6, 2008, GIPS served a deposition notice seeking to depose Mr. Zimels, on February 28, 2008. GIPS also has requested the deposition of Guy Gussarsky, former Executive Vice President of Sales and Business Development for Deltathree. Mr. Gussarsky resides in Gibraltar. Furthermore, GIPS demanded additional document production and have sought depositions of Deltathree personnel located in Israel.

6. On February 22, 2008, the Court Memo Endorsed a letter agreement between the parties, which set the briefing schedule for Deltathree's motion for partial summary judgment. Per that schedule, GIPS' opposition is due February 29, 2008, and Deltathree' Reply is due March 17, 2008.

7. On February 25, 2008, Krista Enns, Esq., of Winston & Strawn, e-mailed the Court requesting an informal conference to address "whether discovery should continue while Deltathree's motion for partial summary judgment is pending and, if so, to what extent."

8. If discovery is not stayed in this action pending disposition of Deltathree's motion for partial summary judgment, Deltathree's burdens in conducting discovery, particularly depositions, will be substantial. In their initial disclosures, exchanged in January 2008, the parties identified a total of nine witnesses, including two who reside outside of the United States (one of them being Mr. Gussarsky).

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line extending to the right. The signature is written over a horizontal line.

Dominic J. Picca

Executed on February 25, 2008

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